

OCT 7 1997

PATRICK FISHER
Clerk

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

DAVID K. HOEL,

Plaintiff-Appellant,

v.

DONALD B. ATKINS; T. BRETT
SWAB; TODD W. SINGER; DAN
MURDOCK; LAWRENCE A.G.
JOHNSON; BROWN J. AKIN, III;
LAURIE E. AKIN; J. PETER
MESSLER; BRADFORD GRIFFITH,

Defendants-Appellees.

No. 97-5000
(D.C. No. 96-CV-268-E)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before BRORBY, LOGAN, and HENRY, Circuit Judges.

After examining the briefs and appellate record, this panel has determined
unanimously to grant the parties' request for a decision on the briefs without oral

This order and judgment is not binding precedent, except under the
doctrines of law of the case, res judicata, and collateral estoppel. The court
generally disfavors the citation of orders and judgments; nevertheless, an order
and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Plaintiff appeals from the district court's dismissal of his complaint alleging defendants are liable under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961-1968. We have jurisdiction under 28 U.S.C. § 1291, and affirm.

The district court determined that plaintiff failed to allege interstate effects sufficient to support a RICO claim, as he alleged in his complaint: "The impact of [defendants'] schemes and activities occurred in Oklahoma. The participants in this enterprise are residents of Oklahoma." See Appellees' Joint Supp'l App. at 79-80; see also Appellant's App. at 3; 18 U.S.C. § 1962. We have carefully reviewed the briefs and the record on appeal. We affirm for substantially the same reasons as those set forth in the district court's order filed December 6, 1996.

AFFIRMED.

Entered for the Court

Robert H. Henry
Circuit Judge